

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION CORPORATION, Plaintiff, v. BERNARD L. MADOFF INVESTMENT SECURITIES LLC, Defendant.	12-MC-0115 (JSR)
In re: MADOFF SECURITIES	

**DECLARATION OF RICHARD A. KIRBY IN SUPPORT OF
MOTION TO DISMISS REGARDING ANTECEDENT DEBT
ISSUES ON BEHALF OF WITHDRAWAL DEFENDANTS,
AS ORDERED BY THE COURT ON MAY 12, 2012**

DECLARATION

I, Richard A. Kirby, hereby declare as follows:

1. I am a partner in the law firm of K&L Gates LLP (“K&L Gates”) with offices located at 1601 K Street, NW, Washington, DC, 20006-1600, Washington, D.C. K&L Gates serves as counsel to multiple Defendants in the above-captioned case.

2. Attached hereto as Exhibit A is a true and correct copy of the Order filed in this matter, *In re Madoff Secs.*, No. 12-mc-0115 (S.D.N.Y. May 16, 2012) (JSR) (Docket No. 107).

3. Attached hereto as Exhibit B is a true and correct copy of the Complaint filed by the Trustee in the matter of *Picard v. NTC & Co. LLP*, No. 10-ap-04504 (Bankr. S.D.N.Y. Nov. 30, 2010) (BRL) (Docket No. 1).

4. Attached hereto as Exhibit C is a true and correct copy of the Amended Complaint filed by the Trustee in the matter of *Picard v. Estate of Doris M. Pearlman*, No. 10-ap-04504 (Bankr. S.D.N.Y. Jan. 30, 2012) (BRL) (Docket No. 18).

5. Attached hereto as Exhibit D is a true and correct copy of the Complaint filed by the Trustee in the matter of *Picard v. Kenneth L. Evenstad Revocable Trust, et al.*, No. 10-04933 (Bankr. S.D.N.Y. Dec. 02, 2010) (BRL) (Docket No. 1).

I declare under penalty of perjury that the foregoing is true and correct.

Dated: June 25, 2012
Washington, D.C.

By: s/ Richard A. Kirby
Richard A. Kirby